

AMENDED IN SENATE FEBRUARY 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1209

Introduced by Assembly Member Yee

February 22, 2005

~~An act to add Chapter 1.5 (commencing with Section 1937) to Title 5 of Part 4 of Division 3 of the Civil Code, relating to snowmobiles. An act to amend Section 4604.5 of the Labor Code, relating to workers' compensation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1209, as amended, Yee. ~~Off-highway vehicles: rental snowmobiles. Workers' compensation: medical treatment utilization schedule.~~

Existing workers' compensation law requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law requires the Administrative Director of the Division of Workers' Compensation to adopt a medical treatment utilization schedule, containing specified guidelines covering the extent and scope of medical treatment to be provided to an injured employee. Existing law specifies that, notwithstanding the medical treatment utilization schedule or other specified medical practice guidelines, for injuries occurring on and after January 1, 2004, an employee is entitled to no more than 24 chiropractic, 24 occupational therapy, and 24 physical therapy visits per industrial injury, except when an employer authorizes, in writing, additional visits to a health care practitioner for physical medicine services.

This bill would delete those provisions prescribing the maximum number of chiropractic, occupational therapy, and physical therapy visits an employee is entitled to receive per industrial injury.

~~Existing law regulates certain bailments and leasing transactions.~~

~~This bill would regulate persons in the business of renting snowmobiles, as defined, to the public and the equipment and operation of rental snowmobiles. Among other things, it would require all persons who rent a snowmobile from a rental company to have completed a training course, and would require all guides who lead tours to have completed a CPR course, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4604.5 of the Labor Code is amended to
2 read:

3 4604.5. (a) Upon adoption by the administrative director of a
4 medical treatment utilization schedule pursuant to Section
5 5307.27, the recommended guidelines set forth in the schedule
6 shall be presumptively correct on the issue of extent and scope of
7 medical treatment. The presumption is rebuttable and may be
8 controverted by a preponderance of the scientific medical
9 evidence establishing that a variance from the guidelines is
10 reasonably required to cure or relieve the injured worker from the
11 effects of his or her injury. The presumption created is one
12 affecting the burden of proof.

13 (b) The recommended guidelines set forth in the schedule
14 adopted pursuant to subdivision (a) shall reflect practices that are
15 evidence and scientifically based, nationally recognized, and
16 peer-reviewed. The guidelines shall be designed to assist
17 providers by offering an analytical framework for the evaluation
18 and treatment of injured workers, and shall constitute care in
19 accordance with Section 4600 for all injured workers diagnosed
20 with industrial conditions.

21 (c) Three months after the publication date of the updated
22 American College of Occupational and Environmental
23 Medicine's Occupational Medicine Practice Guidelines, and
24 continuing until the effective date of a medical treatment
25 utilization schedule, pursuant to Section 5307.27, the

recommended guidelines set forth in the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines shall be presumptively correct on the issue of extent and scope of medical treatment, regardless of date of injury. The presumption is rebuttable and may be controverted by a preponderance of the evidence establishing that a variance from the guidelines is reasonably required to cure and relieve the employee from the effects of his or her injury, in accordance with Section 4600. The presumption created is one affecting the burden of proof.

~~(d) (1) Notwithstanding the medical treatment utilization schedule or the guidelines set forth in the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines, for injuries occurring on and after January 1, 2004, an employee shall be entitled to no more than 24 chiropractic, 24 occupational therapy, and 24 physical therapy visits per industrial injury.~~

~~(2) This subdivision shall not apply when an employer authorizes, in writing, additional visits to a health care practitioner for physical medicine services.~~

~~(e)~~
(d) For all injuries not covered by the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines or official utilization schedule after adoption pursuant to Section 5307.27, authorized treatment shall be in accordance with other evidence based medical treatment guidelines generally recognized by the national medical community and that are scientifically based.

SECTION 1. Chapter 1.5 (commencing with Section 1937) is added to Title 5 of Part 4 of Division 3 of the Civil Code, to read:

CHAPTER 1.5. SNOWMOBILE RENTAL

~~1937. This chapter applies to all persons in the business of renting snowmobiles to the public.~~

~~1937.1. For purposes of this chapter:~~

~~(a) "Rental company" means a person in the business of renting snowmobiles to the public.~~

~~(b) "Snowmobile" has the same meaning as that term is defined in Section 557 of the Vehicle Code.~~

1 ~~1937.2.— A rental company shall offer a person who rents a~~
2 ~~snowmobile a training course that familiarizes the renter with the~~
3 ~~safe operation of the snowmobile and that explains the dangers of~~
4 ~~riding a snowmobile. A rental company shall require a renter to~~
5 ~~complete the training course before allowing the renter to operate~~
6 ~~a rental snowmobile.~~

7 ~~1937.3.— A guide who leads a tour of rental snowmobiles for a~~
8 ~~rental company shall have completed a basic cardiopulmonary~~
9 ~~resuscitation (CPR) course that complies with the standards~~
10 ~~adopted by the American Heart Association or the American Red~~
11 ~~Cross for cardiopulmonary resuscitation and emergency cardiac~~
12 ~~care.~~

13 ~~1937.4.— A rental company shall equip a rental snowmobile~~
14 ~~with a lightweight shovel and flashlight with a flashlight charger.~~

15 ~~1937.5.— A rental company shall provide each renter with a~~
16 ~~DOT-rated or Snell-rated helmet.~~

17 ~~1937.6.— If a rental company rents a snowmobile to a person~~
18 ~~under 16 years of age, that rental company shall allow the person~~
19 ~~to operate a snowmobile only if that person is accompanied by a~~
20 ~~responsible adult.~~